

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

June 28, 2006

No. 05-1715

United States of America

vs.

Frederick H. Banks, Appellant

(Western District of Pennsylvania (Pittsburgh) Criminal No. 03-cr-00245)

PRESENT: Rendell, Van Antwerpen and Weis, Circuit Judges.

1. Letter by Appellant dated 6/21/06 Construed as a Motion to Amend Opinion.
2. Motion by Appellee to Amend Opinion.

Chiquita Dyer, 267-299-4919
Case Manager

O R D E R

The foregoing motion by appellant to amend opinion is denied. The motion by the United States to amend is granted and the precedential opinion is amended as follows:

Page 19: "procedures set forth in 18 U.S.C. § 853" is amended to read, "procedures set forth in 21 U.S.C. § 853"; and "United States v. Casey, 444 F.3d 1071, 1077 (9th Cir. 2006) (citing 18 U.S.C. § 853)" is amended to read, "United States v. Casey, 444 F.3d 1071, 1077 (9th Cir. 2006) (citing 21 U.S.C. § 853)"

Page 19, footnote 12: "remedial purposes of 18 U.S.C. § 853" is amended to read, "remedial purposes of 21 U.S.C. § 853"; and "we observe that 18 U.S.C. § 853(o)" is amended to read, "we observe that 21 U.S.C. § 853(o)"

Page 21: "are appropriate under 18 U.S.C. § 853" is amended to read, "are appropriate under 21 U.S.C. § 853"

By the Court,

/s/ Franklin S. Van Antwerpen

Circuit Judge

Dated: July 7, 2006